

EXHIBIT

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BLOCK & LEVITON LLP

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Fight for a level playing field. Block & Leviton believes investors, pensioners, consumers and employees deserve an advocate who will take a stand to protect their rights. We value our role not only in recovering our clients' immediate losses, but in protecting their long-term interests by helping to shape corporate policy. We genuinely enjoy our work, which each day offers an opportunity to tackle novel problems and unique challenges in a continuously evolving economy. We concur with Aristotle's observation that *pleasure in the job puts perfection in the work*. We believe this is reflected in our track record, which includes our ability to take a case to trial and win, as well as our appointment as lead or co-lead counsel in many dozens of high profile matters, including: *In re BP Securities Litig.*, Case No. 4:10-MD-02185 (S.D. Tex.) (settled for \$175 million), *In re Google Class C Shareholder Litig.*, Case No. 7469-CS (Del. Ch.) (settled for \$522 million) and *In re: Drywall Antitrust Litigation*, Case No. 13-md-02437 (E.D. Pa.) (to date, settlements with 2 of 6 defendants totaling more than \$10 million), and *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litig.*, Case No. 3:15-md-02672 (N.D. Cal.) (settled for approximately \$15 billion). Our attorneys have successfully recovered billions for our clients and class members and have done so even under adverse conditions, including successfully litigating against bankrupt and foreign-based corporations.

Defy convention. Instrumental to our philosophy is the willingness to embrace new ways of seeing, and solving, our clients' problems. For example, we challenged Google Inc.'s plan to issue a new class of non-voting stock that threatened to diminish the value of minority investors' holdings in the company. With trial set to begin in less than two days, Block & Leviton brokered a settlement with Google Inc. and its directors that provided for a forward-looking payment ladder (valued at up to \$7.5 billion) to protect minority investors against future diminution in their stock value. As a result of the payment ladder, shareholders ultimately recovered \$522 million in cash and stock in May 2015. Appreciation of the fact that each of our clients has a unique viewpoint allows us to tailor our advice and representation accordingly to achieve superior results, and to do so with maximum efficiency.

Surround yourself with the best. The Firm credits its success to its entire team of extremely talented, dedicated attorneys, the majority of whom have significant litigation experience. An in-depth *curriculum vitae* highlighting each attorney's areas of expertise, unique experience, recognition in the field and education credentials follows.

EDUCATION

- ❖ Brooklyn Law School, J.D., *cum laude* 1986
- ❖ State University of New York, B.A., Political Science, *cum laude* 1983

BAR ADMISSIONS

- ❖ New York
- ❖ Massachusetts

COURT ADMISSIONS

- ❖ Southern District of New York
- ❖ Eastern District of New York
- ❖ District of Massachusetts
- ❖ United States Court of Appeals for the First, Second, Third, Ninth and Eleventh Circuits
- ❖ United States Supreme Court

PUBLICATIONS | SPEAKING EVENTS

- ❖ ALI-ABA Conference for Insurance and Financial Services Industry Litigation, July 2009, Lecturer and Panelist
- ❖ *Damages in Securities Litigation*, sponsored by Law Seminars International at the Harvard Club, Panelist
- ❖ *Litigation to Remedy Meltdown Damages: What Can Be Gained?*, Harvard Law School's Capital Matters Conference, Speaker
- ❖ Guest commentator on NBC
- ❖ International Strategies Recoveries for Foreign Investments, Post *Morrison*, San Francisco Bar Association, Panel Moderator

JEFFREY C. BLOCK

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Mr. Block is a co-founding partner of Block & Leviton. With a career spanning thirty years, Mr. Block is recognized as one of the nation's preeminent class action attorneys and is recognized as a "Super Lawyer" by *Massachusetts Super Lawyers*. Mr. Block currently represents the Ohio Public Employees Retirement System in *In re: BP Sec. Litig.*, No. 4:10-MD-02185 (S.D. Tex.), charging that BP misled investors as to the amount of oil leaking from the Macondo well after the explosion aboard the *Deepwater Horizon* oil rig in the Gulf of Mexico in 2010. Mr. Block, on behalf of the plaintiffs, successfully argued against defendants' motions to dismiss, in favor of class certification, in opposition to summary judgment, and helped secure a settlement of \$175 million for the class, which represents more than 60% of the class' actual losses. Mr. Block also represented the Brockton Retirement System in an action challenging Google's attempt to split its stock into voting and non-voting shares. See *In re Google, Inc. Class C Shareholder Litig.*, case no. 7469-CS (Del. Ch. Ct.). Two days before the start of trial, the action settled for significant corporate governance changes and a payment ladder valued up to \$7.5 billion, which was designed to protect shareholders against any diminution in the value of their shares during the first year of trading. Because of the payment ladder, shareholders ultimately recovered \$522 million in cash and stock in May 2015.

In addition, Mr. Block represents some of the country's largest institutional investors, including the Massachusetts Pension Reserves Investment Management Board (PRIM), the Ohio Public Employees Retirement System, the Ohio State Teachers Retirement System, the Washington State Investment Board, the New Mexico Educational Retirement Board, the New Mexico Public Employees Retirement System, the New Mexico State Investment Council and the Oklahoma Police Pension and Retirement System.

Some of the major class actions that Mr. Block has either led, or played a significant role in, include: *In re First Executive Corp. Securities Litig.*, 89-cv-7135 (C.D. Cal.) (settled for \$100 million); *In re Xerox Corp. Sec. Litig.*, 3:00-cv-01621 (D. Conn.) (settled for \$750 million); *In re Bristol Myers Squibb Sec. Litig.*, 02-cv-2251 (S.D.N.Y.) (settled for \$300 million); *In re Lernout & Hauspie Sec. Litig.*, 1:00-cv-11589 (D. Mass.) (settled for \$180 million); *In re*

Symbol Technologies Sec. Litig., 2:02-cv-1383 (E.D.N.Y.) (settled for \$127 million); *In re Prison Realty Corp. Sec. Litig.*, 3:99-cv-0452 (M.D. Tenn.) (settled for over \$100 million); *In re Philip Services Corp. Sec. Litig.*, 98-cv-835 (S.D.N.Y.) (settled for \$79.75 million); *In re American Home Mortgage Sec. Litig.*, 07-MD-1898 (E.D.N.Y.) (settled for \$50.5 million); *In re Force Protection Sec. Litig.*, 2:08-cv-845 (D.S.C.) (\$24 million settlement); *In re Swisher Hygiene, Inc., Securities and Derivative Litig.*, 3:12-md-2384 GCM (W.D.N.C.) (\$5.5 million settlement).

Mr. Block has a proven record of overcoming significant challenges to obtain substantial recoveries on behalf of his clients. For example, in the *Philip Services* securities litigation, Mr. Block persuaded the United States Court of Appeals for the Second Circuit to reverse the District Court's dismissal of the action on the grounds of *forum non conveniens*. *See Dirienzo v. Philip Services Corp.*, 294 F.3d 21 (2d. Cir. 2002). Upon reversal, Mr. Block led the team of attorneys in taking more than 40 depositions and, upon the eve of trial, the action settled for \$79.50 million, among the largest recoveries ever in a securities action from a Canadian accounting firm. Mr. Block's skills were discussed in great lengths by the court, specifically noting that counsel:

“pursued this fact-intensive and legally complex litigation vigorously over a nine-year period, rejected offers of settlement for amounts inferior to the amounts upon which the parties ultimately agreed, and assumed significant risks of non-recovery. Co-Lead Counsel had to overcome the disclaimers and uncertainties of insurance coverage, and vigorous advocacy of extremely able and deeply-staffed defense counsel. ... And **THEY DID THEIR WORK EFFICIENTLY, WITH MINIMAL DUPLICATION, AND MAXIMUM EFFECTIVENESS.**”

In re Philip Servs. Corp. Sec. Litig., 2007 U.S. Dist. LEXIS 101427, 13-14 (S.D.N.Y. Mar. 27, 2007) (Honorable Alvin K. Hellerstein). Similarly, in *Lernout & Hauspie Sec. Litig.*, Mr. Block was the lead attorney in securing over \$180 million for defrauded investors. The action involved an accounting fraud of a company headquartered in both the United States and Belgium.

Recently, Mr. Block led a team of litigators, private investigators and a forensic accountant through a complex accounting fraud case. Mr. Block settled the case on terms extremely beneficial to the class, as recognized by the court. *See In re Swisher Hygiene, Inc., Securities and Derivative Litig.*, 3:12-md-2384 GCM (W.D.N.C.).

“I was careful to choose attorneys who have great ability [and] great reputation... And I think you've undertaken the representation of these people, you've done an excellent job, you've reached a settlement that I think is fair and in their benefit ...”.

Honorable C. Weston Houck,
In re Force Protection Sec. Litig., 2:08-cv-845 CWH (D.S.C.) (\$24 million settlement)

“The settlement is – gosh. . . . the fact that it's occurring within the context of a securities case, which is very difficult for plaintiffs to win, is extremely impressive to me. . . . [T]his is a matter which has been fairly litigated by people who know what they're doing.”

Honorable Graham C. Mullen, *In re Swisher Hygiene, Inc., Securities and Derivative Litig.*, 3:12-md-2384 GCM (W.D.N.C.) (\$5.5 million settlement)

EDUCATION

- ❖ Georgetown University Law Center, LL.M., Securities and Financial Regulations (Dean's Award (1 of 6))
- ❖ Gonzaga University School of Law, J.D., *cum laude*, Moot Court Council, International Law Review
- ❖ Gonzaga University, B.A., Philosophy and Political Science

BAR ADMISSIONS

- ❖ Massachusetts
- ❖ District of Columbia
- ❖ State of Washington
- ❖ State of Florida

COURT ADMISSIONS

- ❖ District of Massachusetts
- ❖ District of Washington D.C.
- ❖ Western District of Washington

PUBLICATIONS | SPEAKING EVENTS

- ❖ Guest on *Rights Radio*
- ❖ Law360 Securities Law Editorial Advisory Board
- ❖ SEC Litigation Release No. 18638, primary author
- ❖ Contributor, *After the Ball is Over: Investor Remedies in the Wake of the Dot-Com Crash and Recent Scandals*, Nebraska Law Review, 2005
- ❖ Speaker at Georgetown University Law Center on prosecution of securities class action lawsuits
- ❖ Presenter at Business Law Symposium entitled *Shareholder Rights: An Idea Whose Time has Come*, November 2013
- ❖ Presenter at National Conference on Public Employee Retirement Systems' Summer Conference, May 2013

JASON M. LEVITON

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Mr. Leviton is a co-founding partner of Block & Leviton and focuses his practice on investor protection and shareholder rights matters. He serves as Co-Chair of the Firm's New Case Investigation and Monitoring Team and Chair of the Merger and Acquisition Litigation Team. In 2011 and each year thereafter, Mr. Leviton was named a "Rising Star" by *Massachusetts Super Lawyers*, an honor given to only 3% of all lawyers in the Commonwealth. In 2014, Mr. Leviton was named as a Top 100 Trial Lawyer by the National Trial Lawyer Association. After receiving his law degree, Mr. Leviton attended the Georgetown University Law Center and received a Master of Laws (LL.M.) in Securities and Financial Regulation (Dean's Award, 1 of 6). During that time, he was the inaugural LL.M. student selected for an externship with the S.E.C., Enforcement Division. Mr. Leviton is now a member of the Association of Securities and Exchange Commission Alumni.

Currently, Mr. Leviton represents several Ohio Pension Funds against BP following the largest oil spill in United States history. *See In re BP plc Securities Litigation*, Case No. 10-cv-2185 (S.D. Tex.) (settled for \$175 million). Mr. Leviton also serves as co-lead counsel in *In re Onyx Pharmaceuticals Inc. Shareholder Litigation*, Case No. CIV523789 (Cal. Sup. Ct) (settled for \$30 million). In addition, Mr. Leviton has been named lead or co-lead counsel in numerous class actions, including: *In re Plains Exploration & Production Co. Stockholder Litig.*, Case No. 8090-VCN (Del. Ch.) (litigation led to an increase of approximately \$400 million to the original merger amount); *In re MIPS Technologies, Inc. Stockholder Litig.*, Case No. 8103-VCN (Del. Ch.) (settled for numerous material disclosures and amendments to the merger agreement); *In re Cybex Int'l Shareholders Litig.*, Case No. 653794/2012 (N.Y. Sup. Ct) (settlement involved substantial dividend payment to shareholders); and *In re Sunoco, Inc.*, Case No. 1204-03894 (settlement required Sunoco to publish an update to its Proxy Statement to correct for material omissions).

Mr. Leviton has achieved significant recoveries on behalf of class members, including but not limited to: *In re Empire State Realty Trust, Inc. Investor Litigation*, case no. 650607/2012 (settled for \$55 million); *In re KIT Digital, Inc. Securities Litigation*, Case No. 12-04199 (S.D.N.Y.) (settled for more than \$6 million following the company's voluntary petition for bankruptcy); *In re Swisher Hygiene, Inc. Sec. and Deriv. Litig.*, MDL No. 3:12-MD-2384-GCM (W.D.N.C) (settled for nearly 40% of all cognizable damages); and *Brockton Retirement*

Board and City of Quincy Contributory Retirement Systems v. Oppenheimer Global Resource Private Equity Fund I, L.P., et al., Case No. 1:12-cv-10552 (D. Mass.) (settled for numerous improvements to Oppenheimer's corporate governance structure regarding the valuation of assets). In addition to his class action experiences, Mr. Leviton has litigated other forms of complex litigation. For instance, he worked with a former State of New York Attorney General in the defense of an attorney accused of insider trading, which included a criminal referral to the United States Department of Justice. He was also heavily involved in the representation of four detainees being held at the Guantánamo Bay Naval Station in Cuba.

Moreover, Mr. Leviton has represented former employee whistleblowers before the S.E.C. where, in one instance, he successfully argued that his clients should receive the maximum whistleblower award of 30% pursuant to the Dodd-Frank Act, which equated to nearly \$1 million. He also represented the same whistleblower in a retaliation claim against several Oppenheimer-related entities. *See John Doe v. Oppenheimer Asset Management, Inc., et al.*, Case No. 1:14-cv-00779-LAP (S.D.N.Y.).

Mr. Leviton also has considerable experience litigating consumer class action cases involving deceptive business practices. For example, Mr. Leviton, as co-lead counsel, successfully recovered 100% of the class's alleged damages stemming from the overcharging of scooped coffee beans at Starbucks stores throughout the country. *See In re Starbucks Consumer Litig.*, Case No. 2:11-cv-01985-MJP (W.D. Wa.).

Prior to forming Block & Leviton, Mr. Leviton was an attorney at three other preeminent class action firms. There, he was instrumental in recovering \$10.5 million in the *Welmon v. Chicago Bridge & Iron*, Case No. 06-cv-01283, securities class action litigation. In that case, Mr. Leviton represented Fortis Investments, a major European asset management company and, in addition to the monetary settlement, was able to institute several corporate governance changes at the company. In granting the *Chicago Bridge & Iron* settlement, the Honorable John Sprizzo stated that "**PLAINTIFFS' COUNSEL HAVE CONDUCTED THE LITIGATION AND ACHIEVED THE SETTLEMENT WITH SKILL, PERSEVERANCE AND DILIGENT ADVOCACY.**" *Chicago Bridge & Iron* (June 3, 2008). Moreover, in the *Ong v. Sears Roebuck & Co.*, Case No. 03 C 4142 (N.D. Ill.), securities class action, Mr. Leviton represented the State Universities Retirement System of Illinois (SURS) and helped settle the action for \$15.5 million. He also represented the Iowa Public Employees' Retirement System, the Policemen's Annuity & Benefit Fund of Chicago, the Central States, Southeast and Southwest Areas Pension Fund in the securities class action against MF Global that settled for \$90.0 million. *See Rubin v. MF Global, LTD., et al.*, Case No. 08-cv-02233 (S.D.N.Y.). Likewise, he was a member of the *In re VeriSign Securities Litigation*, Case No. C-02-2270 (N.D. Cal.) team that recovered more than \$78.0 million for investors.

EDUCATION

- ❖ University of Virginia School of Law, J.D.
- ❖ University of Virginia, B.A., Economics and Literature

BAR ADMISSIONS

- ❖ California
- ❖ New York
- ❖ Massachusetts
- ❖ Texas

COURT ADMISSIONS

- ❖ Northern District of California
- ❖ Southern District of New York
- ❖ Eastern District of New York
- ❖ District of Massachusetts

PROFESSIONAL ACTIVITIES

- ❖ Co-Chair of the American Association for Justice Antitrust Litigation Group
- ❖ Law360 Competition Law Editorial Advisory Board
- ❖ Massachusetts Academy of Trial Attorneys
- ❖ National Association of Public Pension Attorneys

PUBLICATIONS | SPEAKING EVENTS

- ❖ Co-Author, *What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation*, American Association of Justice Business Torts Newsletter (May 2015)
- ❖ Author, *Technology Assisted Review: the Disclosure of Training Sets and Related Transparency Issues*, Georgetown Law Advanced eDiscovery Institute (Fall 2014)
- ❖ Faculty, Georgetown University Law Advanced eDiscovery Institute (November 2014)
- ❖ Co-Author, *Decision Re-Affirms Critical Role of Shareholders* Benefits and Pensions Monitor (October 2014)
- ❖ Panelist, American Association for Justice Class Certification Seminar (2013)

WHITNEY E. STREET

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Block & Leviton Partner Whitney Street has nearly fourteen years of complex litigation experience and significant expertise in antitrust and securities class action litigation. Ms. Street, who serves as Chair of the Firm's Competition Law Group, was appointed Co-Lead Counsel on behalf of a class of indirect purchasers in *In re Domestic Drywall Antitrust Litig.*, 13-md-02437 (E.D.Pa.), which involves allegations of price fixing and other forms of concerted conduct in violation of the antitrust laws. To date, Ms. Street has recovered more than \$10 million on behalf of the class of indirect purchasers. The litigation is ongoing against the remaining four defendants. In addition, Ms. Street represents the City of Providence in an antitrust class action suit against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. *See In re Thalomid and Revlimid Antitrust Litig.*, 14-cv-06997 (D.N.J.). Most recently, Ms. Street was appointed to the Plaintiffs' Steering Committee in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D.Cal.) (alleging price fixing in the market for shelf-stable seafood products) and in *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) (alleging bid rigging, market allocation, and price fixing in the market for aluminum sulfate).

Ms. Street was also an integral part of the litigation teams in the following antitrust class actions: *Air Cargo Shipping Services Antitrust Litigation*, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270.0 million); *In re: Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87.0 million); *In re: Methyl Methacrylate (MMA) Antitrust Litigation*, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and *In re: Hydrogen Peroxide Antitrust Litigation*, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).

Ms. Street received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

EDUCATION

- ❖ College of William & Mary, Marshall-Wythe Law School, J.D.
- ❖ College of William & Mary, B.A., History and Classical Studies

BAR ADMISSIONS

- ❖ California
- ❖ District of Columbia

COURT ADMISSIONS

- ❖ Second, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuit Courts of Appeal
- ❖ District of Columbia
- ❖ Southern, Central and Northern Districts of California
- ❖ District of Maryland
- ❖ Northern and Western Districts of Texas
- ❖ Northern District of Illinois

PROFESSIONAL ACTIVITIES

- ❖ Co-Chair of the Civil Procedure Subcommittee for the ABA Employee Benefits Committee
- ❖ Co-Chair of American Association of Justice (AAJ)
- ❖ Chair of Employment Rights Section of the AAJ from 2013 to 2014

R. JOSEPH BARTON

Partner
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R. Joseph Barton, a Partner at the Firm, is the Chair of the Firm's Employee Benefits Group and the Firm's Veterans/Servicemember Rights Group at the Firm. Mr. Barton has more than 15 years experience handling a diverse array of complex and class litigation. Mr. Barton has a Martindale-Hubbell AV Preeminent Rating, has been selected every year since 2013 as a Washington, D.C. Super Lawyer, has a 10.0 rating from Avvo, and is listed in the Marquis' Who's Who in American Law.

Notable ERISA Cases

Over the last 15 years, Mr. Barton has handled a wide variety of employee benefit (i.e. ERISA) cases. He has been trial counsel in four ERISA cases. He was lead trial counsel in a case challenging a complex transaction involving the Trachte ESOP and the Alliance ESOP on behalf of a class of employees of Trachte, *Chesemore v. Alliance Holdings, Inc.*, No. 3:09-cv-00413 (W.D. Wis.). In that case, Mr. Barton obtained a favorable trial decisions on a liability and remedies of \$17.2 million (plus prejudgment interest) for the Class which was affirmed by the Seventh Circuit. In *Severstal Wheeling Inc. Ret. Comm. v. WPN Corporation*, No. 10-cv-954 (S.D.N.Y.), Mr. Barton was lead trial counsel representing the fiduciaries of two pension plan suing their former investment manager for improper investments and obtained a judgment for plaintiffs of over \$15 million which was affirmed by the Second Circuit.

Mr. Barton is among a handful of lawyers who regularly represent participants in litigation involving ESOPs holding privately held stock. In addition to the Alliance/Trachte ESOP litigation, Mr. Barton has litigated and is litigating a number of private ESOP cases, including the Jeld-Wen ESOP, the Tharaldson Motels, Inc. ESOP and, the Azon Corporation ESOP.

Mr. Barton has also been involved in a number of cases involving breaches of fiduciary duty and self-dealing, including improperly investing 401k plan assets in artificially inflated stock of publicly traded companies, in improper and risky investments such as hedge funds or private equity. Mr. Barton litigated one of the earliest cases challenging the prudence of investment and fees of the pension and 401k plans sponsored by New York Life Insurance Company.

Mr. Barton has also litigated cases involving the failure to properly pay benefits. In *Slipchenko v. Brunel*, No. 4-11-cv-01465 (S.D.

Tex.), Mr. Barton obtained a settlement in a COBRA class action which resulted in the largest per class-member recovery in any reported COBRA class action. In *Simpson v. Fireman's Fund Insurance Company* (N.D. Cal.), Mr. Barton represented a class employees alleging that FFIC's policy of terminated persons on disability violated the discrimination provisions of ERISA, and obtained a settlement restoring their right to benefits for a period of years and also reimbursement of past expenses.

Notable Cases Involving Veterans & Servicemembers

In cases involving the rights of veterans and servicemembers, Mr. Barton is proud to have achieved results which one court described as "outstanding, worthy of being emulated by class representatives and counsel in other comparable litigation." In that case, *Tuten v. United Airlines*, No. 12-cv-1561-WJM-MEH (D. Col.), Mr. Barton was lead counsel for a class of United Airlines Pilots alleging USERRA violations in connection with their pension contributions. The case was settled for an amount that provided the Class with 100% of their actual damages. In *Bush v. Liberty Life Assurance Co.*, Mr. Barton was lead class counsel on behalf of a class participants whose long term disability benefits were insured by Liberty Life alleging that those benefits should not have been reduced by the amount of benefits provided through the Department of Veterans Affairs. As part of the settlement, Liberty Life agreed to return 60% of the monies imposed as offsets and to cease imposing such reductions/offsets unless and until the state departments of insurance had approved them.

Pro Bono Cases

Mr. Barton considers pro bono representation an important part of his practice and has represented clients in actions concerning their employer's failure to pay wages and/or overtime. In one such case, the Judge in D.C. Superior Court described Mr. Barton's representation as follows: "everything done on behalf of the Plaintiff has been professional, timely and thorough."

EDUCATION

- ❖ University of Michigan Law School, J.D., *cum laude*
- ❖ Babson College, B.S., Business Administration

BAR ADMISSIONS

- ❖ Massachusetts
- ❖ California

COURT ADMISSIONS

- ❖ District of Massachusetts
- ❖ Northern District of California
- ❖ Central District of California

PROFESSIONAL CERTIFICATIONS

- ❖ Certified Information Privacy Professional (CIPP/US)

PUBLICATIONS

- ❖ Co-author, PLI's Securities Litigation treatise – chapters on loss causation and securities trials

JACOB WALKER

Senior Associate
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Email. jake@blockesq.com



Prior to joining Block & Leviton, Mr. Walker was an associate at two of the country's top defense firms, Gibson Dunn and Skadden Arps. Mr. Walker has represented boards of directors, corporate acquisition targets, and acquirers in litigation related to mergers and acquisitions. For example, he represented defendants in litigation related to the \$5.3 billion private equity acquisition of Del Monte Foods Company in state and federal courts in California and Delaware, as well as in litigation related to Intel's \$7.7 billion acquisition of McAfee Inc. in the Superior Court of California. He has also represented numerous third-parties, including various investment banks, in M&A litigation in California and Delaware courts.

In addition, Mr. Walker has represented several large technology companies, including in the defense of consumer class actions related to privacy and technology issues. He is a Certified Information Privacy Professional and has a deep understanding of technology and privacy issues. Mr. Walker has also represented companies in antitrust class actions and investigations, stockholder derivative actions, securities class actions, and in investigations before the F.T.C. and the Massachusetts Attorney General's office.

Mr. Walker represents the Louisiana Municipal Police Employees' Retirement System in *In re Onyx Pharmaceuticals Inc. Shareholder Litigation*, case no. CIV523789 (Cal. Sup. Ct.), a matter arising out of Onyx's \$11 billion dollar merger with Amgen (settled for \$30 million). Mr. Walker is also part of a team of Block & Leviton attorneys conducting work on behalf of consumer plaintiffs in the VW diesel engine litigation, case no. 3:15-md-02672 (N.D. Cal.) (initial settlement valued at over \$15 billion). Mr. Walker also represents lead plaintiffs in securities class actions against Amicus Therapeutics (D. N.J.) and Global Power Equipment Corporation (N.D. Tex.), and in litigation related to the \$4 billion private equity take-out of Life Time Fitness, Inc., case no. 15-cv-01911 (D. Minn.).

As part of his pro bono practice, Mr. Walker was part of a team of attorneys who represented Indian workers illegally trafficked to the Gulf Coast. Claims against the company have been proposed to be settled for over \$20 million as part of a pending bankruptcy case. Mr. Walker has also been recognized by the American Bar Association for his pro bono work on behalf of active duty military members and for his work teaching financial literacy skills to Boston-area high school students.

EDUCATION

- ❖ University of California
Berkeley School of Law, J.D.
- ❖ University of California,
Berkeley, B.A., Philosophy
and Mathematics

BAR ADMISSION

- ❖ California

VINCENT CHENG

Senior Associate
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Email. vincent@blockesq.com

Vincent Cheng joined Block & Leviton LLP in January 2017. He is an associate at the firm and a member of the Employee Benefits Group and Veterans/Servicemember Rights Group.

Since graduating from law school, Mr. Cheng has focused his work on advocating for the employment and employee benefits rights of employees and retirees and of veterans. Prior to joining Block & Leviton in January 2017, he was actively involved in a variety of class action lawsuits brought under the Employee Retirement Income Security Act (ERISA) involving breach of fiduciary duty and benefit denial claims, as well as cases brought under the Uniformed Services Employment and Reemployment Rights Act (USERRA) involving veterans rights and benefits.

EDUCATION

- ❖ Harvard Law School, J.D., *cum laude*
- ❖ Wilfrid Laurier University, B.A., Political Science *with high distinction*

JOEL A. FLEMING

Associate
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**BAR ADMISSIONS**

- ❖ California
- ❖ Massachusetts

COURT ADMISSIONS

- ❖ Ninth Circuit
- ❖ First Circuit
- ❖ Northern District of California
- ❖ Central District of California
- ❖ District of Massachusetts

PUBLICATIONS

- ❖ Co-author, *Decision Re-Affirms Critical Role of Shareholders*, Benefits and Pensions Monitor (October 2014)
- ❖ Co-author, *Meltdowns crank up muni-bond litigation*, Daily Journal (September 18, 2013)
- ❖ Co-author, *SEC takes hard line on 'cyber incidents'*, Daily Journal (April 5, 2013)
- ❖ Co-author, *Lower Courts Interpret The Supreme Court's Decision In Janus Capital Group, Inc. v. First Derivative Traders*, Financial Fraud Law Report 4:5 (May 2012)

PROFESSIONAL ACTIVITIES

- ❖ Visiting Lecturer, Tufts University: Experimental College (2013-Present)

Block & Leviton Associate Joel Fleming has significant experience in securities and other complex litigation. Mr. Fleming is currently the lead associate for Block & Leviton in *Bessler v. Zafgen, Inc.*, 1:15-cv-13618-FDS (D. Mass.), in which the firm is acting as co-lead counsel for a putative class of shareholders alleging securities fraud in connection with material omissions regarding Zafgen's clinical trials of its lead drug candidate, beloranib.

Mr. Fleming also serves as the lead associate challenging Reynolds' conflicted transaction with its controlling shareholder, British American Tobacco, in connection with its purchase of Lorillard Inc. for \$27.4 billion and as the lead associate for a putative class of Charter Communications shareholders, challenging an unfair share issuance to Charter's controlling shareholders, Liberty Broadband and John Malone, in connection with Charter's purchase of Time Warner Cable and Bright House Networks. *Corwin v. British Am. Tobacco, et al.*, 14 CVS 8130 (N.C. Sup.) and *Sciabacucchi v. Liberty Broadband Corp., et al.*, No. 11418-VCG (Del. Ch.).

Mr. Fleming was the lead associate in *Vladimir Gusinsky Living Trust v. Berman*, No. 2:14-01420-JAK (C.D. Cal.), a derivative action on behalf of Jakks Pacific, Inc., which was resulted in a pending settlement that would impose significant corporate governance reforms, valued by expert testimony as worth \$20 to \$40 million to the company.

Prior to joining the firm, Mr. Fleming was a member of the Securities Litigation and Enforcement group at Wilmer Cutler Pickering Hale and Dorr—a large defense firm headquartered in Boston and Washington, D.C. While at WilmerHale, Mr. Fleming served as a member of the trial team in *AATI v. Skyworks*, the first-ever arbitration to go to trial before the Delaware Chancery Court, in a case involving a merger-related dispute between two companies in the high technology industry. Mr. Fleming represented both companies in a subsequent shareholder class action that ended with the dismissal with prejudice of all counts. Mr. Fleming also served as a trial team member representing the Public Service Department of the State of Vermont in a contested proceeding involving the proposed relicensing of the Vermont Yankee nuclear plant.

EDUCATION

- ❖ Northeastern University School of Law, J.D.
- ❖ Vanderbilt University, B.A., Economics & Corporate Strategy

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**BAR ADMISSIONS**

- ❖ Massachusetts

COURT ADMISSIONS

- ❖ District of Massachusetts
- ❖ Eleventh Circuit Court of Appeals

PROFESSIONAL ACTIVITIES

- ❖ American Bar Association
- ❖ Women's Bar Association
- ❖ National Association of Public Pension Attorneys

Ms. Langsen is an associate at Block & Leviton where her practice focuses on antitrust, securities and employment class action litigation. Ms. Langsen is an integral member of a team of attorneys litigating the antitrust class action *In re Domestic Drywall Antitrust Litigation*, case no. 13-md-02437 (E.D.Pa.), recovering more than \$10 million on behalf of the class to date. The litigation is ongoing against the remaining four defendants. Ms. Langsen also represents the City of Providence in an antitrust class action against Celgene Corp. (*In re Thalomid and Revlimid Antitrust Litig.*, case no. 14-cv-06997 (D.N.J.)), which alleges that Celgene unlawfully excluded generic competition for vital cancer treatment drugs. Ms. Langsen is also part of a team of attorneys conducting work on behalf of plaintiffs in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D.Cal.) (alleging price fixing in the market for shelf-stable seafood products) and *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) (alleging bid rigging, market allocation, and price fixing in the market for aluminum sulfate).

Ms. Langsen, who is a member of the Firm's New Case Investigation and Portfolio Monitoring Team, has also represented numerous classes of investors asserting various securities claims. For example, she is currently litigating *In re BP plc Securities Litigation*, case no. 4:10-md-02185 (S.D.Tex.), *In re EZCORP, Inc. Securities Litigation*, No. 1:15-cv-00608 (W.D.Tex.) and *Budde v. Global Power Equipment Inc. et al.*, 3:15-cv-02120 (N.D. Tex.), and was part of a team of attorneys who recovered favorable settlements for investors in the securities class actions *In re Cybex Int'l*, case no. 653794/2012 (merger premium increased by over 10%), and *In re Swisher Hygiene, Inc.*, case no. 3:12-MD-2384-GCM (settlement of \$5.5 million).

In addition, Ms. Langsen is a member of the Firm's Employment Litigation Team, where she has represented tradesmen seeking unpaid employment benefits and other damages from national and multi-national retailers. She recovered a significant settlement (\$6.5 million) in favor of a class of California installers in *Shephard v. Lowe's HIW, Inc.*, case no. 12-cv-03893 (N.D.Cal.).

Before joining Block & Leviton, Ms. Langsen was one of three Northeastern University School of Law students selected for an internship with the S.E.C., Enforcement Division.

EDUCATION

- ❖ Washington University in Saint Louis School of Law, J.D. (Dean's List)
- ❖ Metropolitan State University of Denver, B.A., History

BAR ADMISSIONS

- ❖ Massachusetts
- ❖ Illinois
- ❖ Missouri

COURT ADMISSIONS

- ❖ District of Massachusetts
- ❖ Southern District of Illinois

BRADLEY VETTRAINO

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Prior to joining Block & Leviton in 2015, Mr. Vettraino worked as an associate at both Bubalo Goode Sales & Bliss, and Maune Raichle Hartley French & Mudd.

Mr. Vettraino is experienced in all stages of complex civil litigation, including discovery and dispositive motion practice. In addition, he has worked on an array of complex civil matters, including products liability cases, consumer protection matters and business litigation in both state and federal courts.

In addition, Mr. Vettraino has experience managing and litigating over fifteen plaintiffs' toxic tort cases, securing favorable settlements in numerous matters. In addition, he successfully argued in opposition to a motion for summary judgment before a state court.

Mr. Vettraino is a member of the team representing the Ohio Public Employees' Retirement System in the securities class action *In re BP plc Sec. Litig.*, Case No. 4:10-md-02185 (S.D. Tex.), which recovered \$175 million to investors related to the explosion and subsequent massive oil spill in the Gulf of Mexico in 2010. Additionally, Mr. Vettraino is a member of the team representing a pension fund in the class action *In re Onyx Pharmaceuticals, Inc. Securities Litigation*, case no. CIV523789 (Cal. Sup. Ct.), in which a \$30 million settlement is pending and, if approved, will be the second largest post-close merger and acquisition settlement in California state court history. Mr. Vettraino also represents shareholders of Rentrak Corporation in a lawsuit currently pending in Oregon against the Company and its Board of Directors relating to the proposed acquisition of Rentrak Corporation by comScore. See *In re Rentrak Corporation Shareholders Litigation*, Case No. 15-cv-27429 (Ore. Cir. Ct.). Mr. Vettraino also represents Amalgamated Bank in a books and records action against Wal-Mart in Delaware Chancery Court and secured a key ruling against Wal-Mart on a motion to compel and for monetary sanctions.

Upon graduating from Washington University in St. Louis, Mr. Vettraino received the Dan Carter-Earl Tedrow Memorial Award, an award given to the student who most exemplifies the aims of the legal profession. Mr. Vettraino also served as an Executive Board Member and Primary Editor of the Global Studies Law Review.

EDUCATION

- ❖ Duke Law School, J.D., L.L.M., *magna cum laude* & Order of the Coif
- ❖ Columbia University, B.A., History

BAR ADMISSIONS

- ❖ New York
- ❖ District of Columbia
- ❖ California

COURT ADMISSIONS

- ❖ Second and Third Circuit Courts of Appeals
- ❖ Eastern District of Michigan
- ❖ District of Colorado
- ❖ Northern and Central Districts of California

MATTHEW SMITH

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Matt is an Associate in the Firm's Antitrust and Employee Benefits practices. After graduating *magna cum laude* from Duke Law School, Matt served as a law clerk to the Honorable Rosemary Barkett on the Eleventh Circuit Court of Appeals.

Before joining Block and Leviton, Matt practiced at nationally-recognized plaintiff's firms based in Washington, D.C., and Seattle, Washington, where his practice concentrated on antitrust and employee benefits cases. Matt collaborated with R. Joe Barton in *Severstal Wheeling, Inc. Retirement Committee et al. v. WPN Corp., et al.* (2d. Circuit). As part of a two-attorney trial team, they won a \$15 million judgment on behalf of thousands of retired steelworkers. Matt has valuable experience serving as lead associate in a myriad of successful litigation, ranging from cases where military veterans were wrongfully denied long-term disability benefits (*Bush v. Liberty Life Assurance Co. of Boston et al.* (N.D. Cal.)), to nationally-contested issues of federal pension regulation (*Kaplan v. Saint Peter's Healthcare System, et al.* (3d Circuit)).

Currently, Matt represents the City of Providence in an antitrust class action against Celgene Corporation (*In re Thalomid and Revlimid Antitrust Litig.*, case no. 14-cv-06997 (D.N.J.)), which alleges that Celgene unlawfully excluded generic competition for vital cancer treatment drugs. He is also part of a team of attorneys working on behalf of plaintiffs in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D.Cal.) (alleging price- fixing in the market for shelf-stable seafood products), *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) (alleging bid rigging, market allocation, and pricefixing in the market for aluminum sulfate), and *In re Broiler Chicken Antitrust Litig.*, No. 1:16-cv-08637 (N.D. Ill.).

Matt has maintained an active pro bono practice including advising the Sierra Club's Environmental Law Program on antitrust and competition policy issues concerning the nation's energy infrastructure, and representing an applicant to serve as chaplain in the United States Navy.

A recent California transplant, Matt enjoys spending his free time hiking in Los Padres National Forest with his three-year old Brittany Spaniel.

EDUCATION

- ❖ Suffolk University Law School, J.D.
- ❖ Sawyer Business School, Suffolk University, M.B.A.
- ❖ Connecticut College, B.A., Economics

BAR ADMISSIONS

- ❖ Massachusetts

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Mr. Gray joined Block & Leviton as an associate in 2016, where his practice focuses on consumer class action litigation. Mr. Gray is experienced in conducting large scale document review projects.

Mr. Gray is a member of the Block & Leviton LLP litigation team representing members of the class in the matter Volkswagen “Clean Diesel” MDL. Prior to joining Block & Leviton, Mr. Gray also received valuable experience with class action shareholder suits, breach of contract cases, and defense of trademark infringement claims, as well as SEC and DOJ investigations of pharmaceutical companies and hedge funds.

Earlier in his career, Mr. Gray was a management consultant at a financial services firm in the Boston area and, prior to that, was a project manager in commercial lending at FleetBoston Financial. While in law school, he completed internships with MFS and with The Nature Conservancy and was a law clerk at CT Corporation System.